

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VLADIMIR LEON,

Plaintiff,

-against-

TOWN BOARD OF THE TOWN OF
RAMAPO; EAST RAMAPO SCHOOLS
DISTRICT BOARD OF EDUCATION,

Defendants.

22-CV-3965 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff proceeds *pro se* and *in forma pauperis* (IFP). By order dated July 18, 2022, the Court directed him to file an amended complaint within 60 days. (ECF 9.) That order specified that failure to comply would result in dismissal of the complaint for failure to state a claim on which relief may be granted. Because Plaintiff did not file an amended complaint within 60 days of the Court's July 18, 2022, order, the Court dismissed the complaint by order and judgment dated October 17, 2022, and entered on the court's docket on October 19, 2022. (ECF 10, 11).

On October 29, 2022, Plaintiff filed a "motion for relief from the dismissal order," in which he alleged that he did not receive a copy of the order to amend in the mail and he asked the Court to reopen the action. (ECF 12.) By order dated October 31, 2022, the Court granted Plaintiff's motion, directed the Clerk of Court to vacate the Court's order of dismissal and judgment and to reopen the action, and granted Plaintiff 60 days from the date of that order to file an amended complaint.¹ (ECF 13.)

¹ The Court also reminded Plaintiff that he consented to receive electronic service of documents in this action, and per the consent agreement, that he would no longer receive paper copies of filings in this action. The Court confirmed that its order to amend was emailed to Plaintiff at vleon35@yahoo, which is the email address that Plaintiff provided, and directed Plaintiff to provide an updated email address if this address was incorrect.

On January 4, 2023, Plaintiff filed a motion for an extension of time to file an amended complaint, in which he requested an extension of “30 days or more.” (ECF 14, at 2.) By order dated January 5, 2023, the Court granted Plaintiff’s motion, and directed him to file an amended complaint within 30 days of the date of that order. (ECF 15.) That order also specified that failure to comply would result in dismissal of the complaint for failure to state a claim on which relief may be granted. Plaintiff has not filed an amended complaint. Accordingly, the complaint, filed IFP under 28 U.S.C. § 1915(a)(1), is dismissed for failure to state a claim on which relief may be granted under 28 U.S.C. § 1915(e)(2)(B)(ii).

CONCLUSION

The Court dismisses this action for failure to state a claim on which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppededge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this action.

SO ORDERED.

Dated: March 6, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge